

view of DeLorme et al. (U.S. Patent No. 5,948,040); and rejected claims 11, 22, 33, 34, and 37-42 under 35 U.S.C. § 103(a) as being unpatentable over Ahlstrom et al. (U.S. Patent No. 4,862,357) in view of DeLorme et al. (U.S. Patent No. 5,948,040), in further view of Walker et al. (U.S. Patent No. 5,897,620).

By this response, Applicants respectfully traverse the rejections of claims 1-8, 10-19, 21-30, and 32-43 under 35 U.S.C. §§ 102(b) and 103(a).

A. The Examiner's Arguments that the Recitations of Claim 1 and Applicants' Specification Do Not Support the Lack of User Involvement During the process of Identifying Intermediate Locations is Incorrect Because (1) Claim 1 Recites a Method for Providing Information Regarding Savings Associated with Travel Alternatives, "Performed by a Processor," and (2) Applicants' Specification Clearly Shows the Analyzing Step Recited in Claim 1 May be Performed by a Server.

The Examiner argued that finding "claim 1 provides limitations directed to a system where a user is not involved in determining the intermediate locations rather than the much broader '... analyzing step includes identifying any intermediate locations...' would be reading limitations of the specification or arguments into the claims" (see Final Office Action, paper no. 11, page 6, lines 17-20). Applicants disagree for at least two reasons. First, there is no need for the Examiner to search beyond claim 1 for support of the arguments presented in the response filed by Applicants on April 17, 2001 (see Amendment filed April 17, 2001, page 18, line 6 to page 19, lines 2-23, arguments related to the lack of user involvement during the analyzing step recited in claim 1). Claim 1 clearly recites, "A method for providing information regarding savings associated with travel alternatives comprising the steps, **performed by a processor**, of" [emphasis added]. Accordingly, it is clear that a processor, not a user, performs the processes of receiving, analyzing, determining, and generating, as recited in claim 1.

Second, Applicants' specification clearly shows that in one implementation of the invention a savings discovery server 400 determines alternate itineraries based on selected rules

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associated with travel (see specification, page 14, line 9; page 15, lines 4-20; page 16, lines 6-14). The server 400 may receive a request from a user, via buyer interface 510, and perform the necessary processing to determine alternate itineraries. Applicants' specification clearly shows that there is no user involvement in determining the alternate itineraries. Accordingly, it is clear that Applicants' specification supports the invention recited in claim 1, which involves an analyzing step that does not include user intervention.

Based on the above arguments, Applicants traverse the Examiner's assertion that claim 1 and Applicants' specification do not support the lack of user involvement during the analyzing step recited in claim 1. Furthermore, because Ahlstrom et al. teaches the selection of intermediate stops by an operator of the reservation system, Applicants request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed.

Regarding claims 12, 23, 35, 36 and 43, the Examiner rejected these claims for the same reasons set forth for claim 1. Accordingly, Applicants incorporate by reference the arguments related to claim 1 in response to the rejection of claims 12, 23, 35, and 36. Applicants further request that the rejection of these claims be withdrawn and the claims allowed.

B. The Rejection of Claims 2, 13, and 24 Should be Withdrawn Because Ahlstrom et al. Does not Teach Displaying a Difference Between the Values for the Travel and Alternate Itineraries, as Recited in These Claims.

Regarding claim 2, the Examiner argued that Ahlstrom et al. teaches displaying a difference between the value for the requested travel itinerary and the determined alternate itineraries. Applicants disagree. Although Ahlstrom et al. may take into consideration temporal constraints to rank itineraries, the reference does not teach displaying a value for the requested travel itinerary and alternate itineraries, as well as a difference between the value for the travel itinerary and each of the alternate itineraries, as recited in claim 2. The Examiner has not met the

requirements for rejecting claim 2 under 35 U.S.C. § 102, because Ahlstrom et al. does not teach or anticipate each and every recitation of the claim. A rejection of a claim under 35 U.S.C. § 102 must be supported by a reference that teaches and/or anticipates each and every recitation in the claim. As argued above, Ahlstrom et al. also does not teach and/or anticipate displaying a difference between the value for the travel itinerary and each of the alternate itineraries, as recited in claim 2. Accordingly, Applicants request the rejection of claim 2 under 35 U.S.C. § 102(b) be withdrawn and the claim allowed.

Regarding claims 13 and 24, the Examiner rejected these claims for the same reasons set forth for claim 2. Accordingly, Applicants incorporate by reference the arguments related to claim 2 in response to the rejection of claims 13 and 24. Applicants further request that the rejection of these claims be withdrawn and the claims allowed.

C. The Rejection of Claims 10, 21, and 32 Under 35 U.S.C. § 103(a) Should be Withdrawn Because Ahlstrom et al. and DeLorme et al., Alone or in Combination, do not Teach or Suggest (1) the Steps of Analyzing, Determining, and Generating, Without User Intervention, and (2) Travel Packages That are Pre-Configured Packages Based on Prior Negotiations With Providers of Travel Resources, as Recited in Claim 2.

Regarding claim 10, Applicants incorporate by reference the arguments presented above associated with claim 1. Based on these arguments, Ahlstrom et al. and DeLorme et al., alone or in combination, do not teach or suggest the steps of analyzing, determining, and generating, as recited in claim 10, without user intervention.

Furthermore, with respect to claim 10, the Examiner argued that the possible publication of travel brochures by hotel chains, state tourism bureaus, or local chambers of commerce as described by DeLorme et al. teaches pre-configured packages based on prior negotiations with providers of travel resources, as recited in claim 10. Applicants disagree. Although Ahlstrom et al. may teach disk media that may include travel brochures, there is no indication, suggestion,

and/or teaching of prior negotiations as recited in claim 10. The travel brochures provided by the entities described by DeLorme et al. are generic brochures and are not associated with any negotiations.

Based on the above arguments, Applicants request that the rejection of claim 10 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Regarding claims 21 and 32, the Examiner rejected these claims for the same reasons set forth for claim 10. Accordingly, Applicants incorporate by reference the arguments related to claim 10 in response to the rejection of claims 21 and 32. Applicants further request that the rejection of claims 21 and 32 be withdrawn and the claims allowed.

Regarding claims 3,-8, 14-19, 25-30, these claims are deemed allowable for at least the reasons set forth above for their respective base claims. Furthermore, DeLorme et al. does not teach identifying alternate itineraries based on a travel request, as recited in these claims. The system described in Delorme et al. allows a user to specify a travel route including waypoints and points of interest located within a region of interest along the specified route. However, Delorme et al. does not teach identifying alternative locations without user input, as described in Applicants' claimed invention. Accordingly, Delorme et al. and Ahlstrom et al., alone or in combination, fail to teach the recitations of claims 3-8, 14-19 and 25-30 and Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

D. The Rejection of Claims 11, 22, 33, 34, and 37-42 under 35 U.S.C. § 103(a) Should be Withdrawn Because (1) the Examiner did not Address the Arguments Presented by Applicants in the Response Filed April 17, 2001, and (2) Walker et al. Does not Teach or Suggest Sending and Receiving Price-to-Beat Information to and From a Plurality of Service Providers, as Recited in These Claims.

Regarding claim 11, the Examiner rejected this claim using language similar, and in some instances identical, to the language included in the rejection presented in the Office Action dated

January 24, 2001 (see Final Office Action, paper no. 11, page 15, line 10 to page 16, line 9; and Office Action, paper no. 8, page 11, line 5, to page 12, line 3). The Examiner did not address the arguments associated with claim 11 presented by Applicants in the response filed April 17, 2001 (see Amendment filed April 17, 2001, page 22, lines 3-19). Accordingly, Applicants reiterate the arguments presented in the April 17, 2001 Amendment (which are restated below), and request that the Examiner address them, and the recitations of claim 11.

Arguments presented in the Amendment filed April 17, 2001

Regarding claim 11, the Examiner implicitly alleged that Ahlstrom et al. does not teach the price-to-beat features recited in claim 11. The Examiner identified Walker et al. as allegedly filling this gap in the teaching of Ahlstrom et al. The Examiner alleged that the ability for Walker et al. to request and produce a reserved airline ticket associated with a user's request is synonymous with the price-to-beat features recited in claim 11. Applicants disagree.

Claim 11 requires, *inter alia*, sending at least one price-to-beat request to a plurality of service providers, receiving responses from these providers that include information on travel itineraries, reconfiguring the values of the travel itinerary specified in the requests and the values for each of the alternative itineraries based on the responses from the service providers and generating a report based on the analysis, determination and reconfiguration. These features of claim 11 enable Applicants' invention to initiate a bid contest between a plurality of service providers to match or beat the requirements set forth in the request and allow the values of itineraries already computed to be adjusted based on responses by the service providers before a report is generated.

Walker et al., on the other hand, merely checks to see if airlines may match specifications associated with a flight requested by a user. A travel agent system provides a user with

information on an available flight that best matches the user's specifications described in the request. Walker et al. does not teach the reconfiguration of itineraries already computed based on a price-to-beat request and generating a report based on the reconfiguration, as recited in claim 11.

Based on the above arguments, Applicants request that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn, and the timely allowance of the claim.

Regarding claims 22, 33, 34, and 39-42, the Examiner rejected these claims for the same reasons set forth for claim 11. Accordingly, Applicants incorporate by reference the arguments related to claim 11 in response to the rejection of claims 22, 33, 34, and 39-42. Applicants further request that the rejection of these claims be withdrawn and the claims allowed.

Applicants respectfully request that this response under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-8, 10-19, 21-30, and 32-43 in condition for allowance. Furthermore, Applicants respectfully point out that the final action by the Examiner presented new arguments as to the application of the art against Applicants' invention. Moreover, the Examiner failed to address all of Applicants' positions set forth in their previous response. It is respectfully submitted that the entering of this response would allow Applicants to reply to the final rejections and place the application in condition for allowance.

~~Finally, Applicants submit that the entry of this response would place the application in~~  
better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Response, the Examiner's

reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 3, 2001

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